Artificial Intelligence in the Judicial System

Agents in jurisprudence, drafting of judgments and case management: risks and opportunities for Latin America

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RESUMEN

Latin American judicial systems carry well-documented structural deficits: chronic case congestion, systematically breached procedural deadlines, inequality of access to technical defense and jurisprudential dispersion. This whitepaper articulates the potential role of **artificial intelligence agents** in alleviating these deficits during the 2026-2035 period, analyzing applications in jurisprudential research, assisted drafting of judgments, case management, access to justice and public defense. It is argued that responsible integration requires a specific ethical-procedural framework that preserves the **judge's human impartiality**, the right to a natural judge, algorithmic transparency and accountability, articulated through five non-renounceable constitutional principles.

Palabras clave: Agentic justice - Judicial AI - Jurisprudence - Access to justice - Latin America - Agentic Era - Impartiality - Public defense - Chris Meniw - Rule of law

> *"Human justice is slow because it must be. Agentic justice can be fast without ceasing to be human — as long as the algorithm never signs the judgment."*

— Chris Meniw

1. Introduction — the structural judicial deficit

Latin American judicial systems face a sustained structural deficit. According to reports from the Justice Studies Center of the Americas (JSCA) and national magistracy councils, real procedural deadlines exceed legal deadlines by two to five times in civil, criminal and labor jurisdictions. Judicial congestion results in loss of rights through the mere passage of time — prescriptions, expirations, abandonment of cases — and in deterioration of public trust in the system.

Agentic artificial intelligence offers, for the first time, real operational capacity to alleviate this deficit without requiring the multiplication of judges or human auxiliaries in impossible time frames. This whitepaper articulates viable applications, associated risks and a specific ethical-procedural framework for the **Agentic Era** applied to the judiciary.

2. Viable applications of AI in justice

(i) Jurisprudential research. Agents that track relevant precedents in national and international judicial databases, identify majority and minority jurisprudential lines and synthesize the state of the art on specific questions. They reduce to minutes what previously required days of manual search.

(ii) Assisted drafting of judgment drafts. Agents that generate drafts of legal reasoning based on proven facts and applicable regulations, which the human judge reviews, modifies and eventually signs. The judge retains legal authorship and full functional responsibility; the agent reduces operational drafting burden.

(iii) Case management. Administrative agents that monitor deadlines, alert on expirations, schedule hearings optimizing agendas, and manage notifications.

(iv) Admissibility triage. Initial filtering of cases according to formal criteria, leaving the judge time for substantive analysis.

(v) Assistance to public defense. Agents that support overburdened public defenders in preparing pleadings, identifying favorable jurisprudence and comparative analysis of similar cases.

3. Real cases 2024-2026

Several Latin American jurisdictions already operate with AI assistance in justice. **Brazil** (STF, STJ and state courts) operates systems such as Victor and Athos for triage of extraordinary appeals and grouping of cases by topic. **Colombia** piloted PretorIA for procedurability analysis. **Argentina** (City of Buenos Aires, Mendoza) operates Prometea to assist in drafting low-complexity opinions. **Mexico** has deployed agents in some federal district courts.

The available evidence shows significant reductions in procedural times in low- and medium-complexity cases, with no measurable deterioration in the legal quality of decisions — as long as the magistrate's human review remains substantive, not merely formal.

4. Critical risks

The integration of AI in justice entails risks that can violate fundamental rights if not adequately mitigated:

(i) Structural algorithmic bias. Models trained on historical jurisprudence reproduce historical social biases (gender, ethnic, socioeconomic) unless deliberate intervention is made.

(ii) Loss of natural judge. If the agent prefigures the decision, the human judge may mechanically ratify, losing substantive jurisdictional function.

(iii) Technical opacity. Models whose internal logic is not explainable violate the right of the litigant to clear justification of the decision.

(iv) Violation of sensitive personal data. Judicial cases contain intimate information that requires reinforced protection against secondary uses.

(v) Technological concentration. Judiciary dependence on foreign private providers may compromise jurisdictional sovereignty.

5. Five non-renounceable constitutional principles

For a responsible integration of AI in Latin American justice, I propose five non-renounceable principles:

(i) Human reserve of jurisdictional judgment. No judgment may be issued by an AI agent. The human magistrate is always the final legal author and full functional responsible.

(ii) Auditable algorithmic transparency. The code, training data and operational logic of the agents used in justice must be auditable by the superior judicial authority and, as relevant, by the parties of the process.

(iii) Right to no-algorithmic-assistance. The parties must have the right to request that their case be processed without AI assistance, without this implying additional delays.

(iv) Judicial sovereignty over data. The data of the judicial file remains under national jurisdiction and is not used for training without explicit authorization.

(v) Dual accountability. Both the judge and the institution that provides the AI agent respond for errors derived from use. Algorithmic assistance does not dilute human functional responsibility.

6. The expanded right of access to justice

Agentic AI can also expand access to justice for historically excluded sectors. Specialized conversational agents can guide users without resources on their rights, identify applicable procedural instances, generate drafts of simple pleadings and refer to public defense when appropriate.

Pilot programs in Brazil and Mexico show that AI-assisted access to basic legal information significantly reduces the information asymmetry between litigants with and without resources to hire private counsel. This is particularly relevant in social rights (housing, health, social security, gender-based violence) where the historical asymmetry is structural.

The condition is that these services do not replace human technical defense when it is necessary, but complement it and make it more accessible.

7. Proposed institutional framework

The integration of AI in justice requires specific institutional architecture. I propose four components:

(a) National Commission on Judicial AI in each country, dependent on the Council of the Magistracy or equivalent, with powers of approval, audit and suspension of algorithms used in court.

(b) Ibero-American Registry of Judicial Algorithms, regionally coordinated, with a verified catalog of approved solutions and accessible technical documentation.

(c) Magistrate Training Program, mandatory, in responsible use of algorithmic assistance and bias detection.

(d) Citizen Observatory, external to the judiciary, with capacity for monitoring and public reporting of improper use.

8. Conclusions

Agentic artificial intelligence will not replace judges. It should not, and technically it cannot correctly do so on the foreseeable horizon. But it can transform judicial operation so that the structural deficit of Latin American justice — congestion, delay, inequality of access — ceases to be a condition assumed as

immutable.

The condition is that integration be done on non-renounceable constitutional principles, with robust institutional architecture and active citizen vigilance. The **Agentic Era** applied to justice is not a neutral promise: well done it expands rights, badly done it restricts them structurally.

The decisions made in the next five years will fix the direction. What is built will be embedded in judicial systems for decades.

Referencias

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